

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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United States,

Plaintiff,

v.

Donald Lawrence Jackson,

Defendant.

Case No. 2:25-cv-00463-JAD-DJA

**Order Adopting
Report and Recommendation
and Dismissing Case**

On July 7, 2025, the magistrate judge entered this report and recommendation [ECF No. 4]:

On March 19, 2025, the Court ordered *pro se* party Donald Lawrence Jackson to pay the filing fee or apply to proceed *in forma pauperis* (which means to proceed without paying the filing fee). (ECF No. 3). In that order, the Court gave Jackson until April 18, 2025, to either pay the filing fee or apply to proceed *in forma pauperis*. The Court informed Jackson that “if Jackson does not file a fully complete application to proceed *in forma pauperis* or pay the full \$405 filing fee for a civil action along with a complaint on one of this Court’s approved forms on or before **April 18, 2025**, the Court will recommend dismissal of this action.” (*Id.*) (emphasis in original). To date, Jackson has neither paid the filing fee, nor applied to proceed *in forma pauperis*, nor filed anything else on the docket. So, the Court recommends dismissal of this case without prejudice. A dismissal without prejudice allows Jackson to refile a case with the Court, under a new case number.

Federal Rule of Civil Procedure 41(b) permits dismissal of an action for the failure to prosecute or comply with rules or a court order. Fed. R. Civ. P. 41(b). In considering whether to dismiss an action under Rule 41(b), courts consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions. *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1998).

1 Here, because Jackson has not complied with the Court's order or taken any action in this
2 case since March of 2025, the Court recommends dismissal of Jackson's case without prejudice.
3 See Fed. R. Civ. P. 41(b); see LR¹ IA 11-8(e) (providing that the Court may, after notice and an
4 opportunity to be heard, impose any and all appropriate sanctions on a party who fails to comply
5 with any order); see *Pac. Harbor Capital, Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118
6 (9th Cir. 2000) ("an opportunity to be heard does not require an oral or evidentiary hearing on the
7 issue...[t]he opportunity to brief the issue fully satisfies due process requirements"). The first
8 factor weighs in favor of dismissal because the public has an interest in expeditious resolution of
9 litigation and Jackson's failure to further participate in this lawsuit impedes this goal. The second
10 factor weighs in favor of dismissal because the Court's need to manage its docket is thwarted by
11 Jackson's failure to prosecute his own action and to comply with this Court's order. The third
12 factor weighs in favor of dismissal because the longer this case is carried on, the more difficult it
13 will be for the parties to litigate it because witnesses' memories will fade and evidence may be
14 lost. The fourth factor weighs in favor of Jackson, but does not outweigh the other factors. Fifth,
15 lesser sanctions are not available if Jackson will not comply with Court orders. So, the Court
16 recommends dismissing this case without prejudice.

17 18 **ORDER**

19 **IT IS ORDERED** that the Clerk of Court is kindly directed to send Jackson a copy of this
20 report and recommendation.

21 **RECOMMENDATION**

22 **IT IS RECOMMENDED** that this case be **dismissed without prejudice**.
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27 ¹ This refers to the Local Rules of Practice for the United States District Court, District of
28 Nevada, which can be found on the Court's website at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>.

ORDER

The deadline for any party to object to this recommendation was July 21, 2025, and no party filed anything or asked to extend the deadline to do so. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the report and recommendation, I find good cause to adopt it, and I do. IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation [ECF No. 4] is **ADOPTED** in its entirety, and this case is **DISMISSED** without prejudice. **The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.**



U.S. District Judge Jennifer A. Dorsey
Dated: July 28, 2025